1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

JOSEPH A. LEPERA (SBN 207615)
LEPERA + ASSOCIATES, PC
601 Montgomery Street – Suite 830
San Francisco, California 94111
Telephone: (415) 215-1001
Facsimile: (415) 362-9022
E-mail: joseph@leperalaw.com

Attorneys for Plaintiff
CATARINA MENDOZA

LEPERA + ASSOCIATES, PC
601 Montgomery Street – Suite 830
San Francisco, CA 94111

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CATARINO MENDOZA, an individual, Plaintiff, v. WILMINGTON FINANCE, a business entity, form unknown; FIVE STAR INVESTMENT AND REALTY; ACADEMY ESCROW, INC., a business entity, form unknown; NEW CENTURY, a business entity, form unknown; NORTH AMERICAN TITLE COMPANY, a business entity, form unknown; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., a business entity, form unknown; and DOES 1-100, inclusive, Defendants.	Case No.: 3:10-CV-05792-SC **PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)** Judge: Hon. Samuel Conti Complaint Filed: December 20, 2010

PLEASE TAKE NOTICE that Plaintiff CATARINO MENDOZA ("Plaintiff"), pursuant to

Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismisses all claims in this action

without prejudice as to Defendants Five Star Investment and Realty, New Century, and North

1

1   American Title Company.

2   Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

3   (a) Voluntary Dismissal.

4   **(1) *By the Plaintiff.***

5   **(A)** *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any

6   applicable federal statute, the plaintiff may dismiss an action without a court order

7   by filing:

8   **(i)** a notice of dismissal before the opposing party serves either an answer or a

9   motion for summary judgment;

10   Defendants have neither answered Plaintiff's Complaint, nor filed a motion for

11   summary judgment. Accordingly, this matter may be dismissed without prejudice and without

12   an Order of the Court.

13   DATED: November 21, 2011   Respectfully Submitted,

14   LEPERA + ASSOCIATES, PC

15   By: *s/s Joseph A. Lepera*

16   Joseph A. Lepera

17   Attorneys for Plaintiffs

18

19

20

21   IT IS SO ORDERED

22

23   Judge Samuel Conti

24   UNITED STATES DISTRICT COURT

     NORTHERN DISTRICT OF CALIFORNIA

25

26

27   2

LEPERA + ASSOCIATES, PC
601 Montgomery Street – Suite 830
San Francisco, CA 94111

28   _____